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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,046	03/16/2005	Masaaki Michida	072982-0259	2780

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FOLEY AND LARDNER LLP
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WASHINGTON, DC 20007

EXAMINER

THOMPSON, JR, OTIS L

ART UNIT	PAPER NUMBER
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4183

MAIL DATE	DELIVERY MODE
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12/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,046

Applicant(s)

MICHIDA, MASAOKI

Examiner

Otis L. Thompson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/06/2007 03/16/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art Miyata et al. (JP 200186051 A) in view of Green (U.S. 5,701,595).

3. Miyata et al. discloses a radio communication device that transmits polarization signals with the same frequency but with different polarization directions from current system communication means and reserve system communication means. In figure 2, modem 52, transmitter/receiver 53, and antennas 54 and 64 correspond to an active (current) system STM-N input interface circuit. Modem 55, transmitter/receiver 56, and antennas 57 and 67 correspond to a reserve (standby) system STM-N input interface circuit. In claim 1, Miyata et al. discloses an MUX device (distributor 51, figure 2) that is used for multiplexing a signal input from a node device connected to an automatic device, dividing the multiplexed signal into two and outputting. In figure 2, Miyata et al. discloses that the radio circuit transmits in one direction only, but in fact the radio circuit is equipped to transmit in the reverse direction (hard flow direction) of the figure (paragraph 24). Since it is equipped to transmit in the reverse direction, the radio

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communication device disclosed by Miyata et al. also corresponds to the current system and reserve system STM-N output interface circuit in applicant's claim 1, as well as to applicant's technical features for the current and standby systems disclosed in claims 3 and 9.

Miyata et al. further discloses that horizontal and vertical polarized wave signals of same frequency are output by the active (current) and reserve (standby) group circuits (Abstract).

Miyata et al. does not specifically disclose a current circulator connected to the transmitter/receiver.

However, Green discloses a circulator section in a transceiver that serves the purpose of receiving a transmit signal and an antenna signal and providing them respectively to an antenna and to an electronic switch (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to incorporate the teachings of Green in to Miyata et al. in order to receive a transmit signal and an antenna signal and provide them respectively to an antenna and to an electronic switch.

4. Claims 5-7 and 10 are rejected for the same reasons as set forth in rejecting claims 1-3 and 9 above. Claims 5-7 and 10 disclose a wireless communication system for the operations defined in the apparatus claims 1-3 and 9 and contain similar limitations that are rejected in claims 1-3 and 9.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ueda, U.S. Patent 5,708,684 discloses radio equipment having an active and standby radio transmitter and an active and standby radio receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otis L. Thompson, Jr. whose telephone number is (571) 270-1953. The examiner can normally be reached on Monday to Thursday 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Otis L Thompson, Jr./
Examiner, Art Unit 4183

November 19, 2007

Supanby *Len Tran*
LEN TRAN
PRIMARY EXAMINER
11/23/07